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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,128	12/02/2003	Gerald R. Savicki JR.	905-184	3543

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EXAMINER
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ESTRADA, ANGEL R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/726,128

Applicant(s)

SAVICKI, GERALD R.

Examiner

Angel R. Estrada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20, 21, 23-25 and 27 is/are rejected.
- 7) ☒ Claim(s) 19, 22 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The Oath/ Declaration is objected to because alterations made thereto were not initialed. See 37 CFR 1.52(c).

### ***Claim Objections***

2. Claim 20 is objected to because of the following informalities:

In claim 20, change the dependency of claim 20 from "1" to --19--, to provide the proper antecedent basis, since claim 1 does not mention a second opening. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 11-14 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by King (US 6,309,248).

Regarding claim 1, King discloses a modular electrical device (10 or see figure 1 and 9) for use in an electric circuit, the device comprising a housing (32) configured to accommodate a frame member (30) selected from a plurality of frame members (see figures 1, 3 and 9), each frame (30) being configured to

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accommodate at least one wiring assembly (12, see figures 1-3 and 9), an electrical wiring assembly (12) chosen from a plurality of electrical wiring assemblies (see figures 1-3 or column 3 lines 48-61 and column 5 lines 39-52), each of the plurality of electrical wiring assemblies (see figures 1-3) having a different functional configuration, each of the plurality of electrical wiring assemblies (see figures 1-3) being sized to fit in the selected frame member (30 or see figures 1, 3 and 9); a set of terminal contacts (34) selected from a plurality of sets of terminal contacts (see figures 1-3), each set of terminal contacts (34) being matched to accommodate one of the plurality of electrical wiring assemblies (see figures 1-3); and a wall plate (not shown) defining a first opening (well known in the art or see column 3 lines 48-61), the housing (1) configured to be disposed within the first opening (well known in the art).

Regarding claim 2, King discloses the modular electrical device (10 or see figure 9) wherein said electrical wiring assembly (12) can includes a first switch and a second switch (column 3 lines 48-61 or column 5 lines 39-52).

Regarding claim 5, King discloses the modular electrical device (10 or see figure 9) wherein said electrical wiring device (12) further including a third switch (column 2 lines 42-48 or column 5 lines 39-52).

Regarding claim 11, King discloses the modular electrical device (see figure 1) wherein said electrical wiring assembly (12) further includes a receptacle (see figures 1 and 2, column 3 lines 48-61 and column 5 lines 39-52).

Regarding claim 12, King discloses the modular electrical device (see figures 1 and 9) wherein said receptacle (12) includes at least one ground fault

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circuit interrupt or arc fault circuit interrupt (column 3 lines 48-61 and column 5 lines 39-52).

Regarding claim 13, King discloses the modular electrical device (10 or see figures 1 and 9) wherein said electrical wiring assembly (12) includes a receptacle (see figures 1 and 2 or column 3 lines 48-61 and column 5 lines 39-52).

Regarding claim 14, King discloses the modular electrical device (10 or see figures 1 and 9) wherein said electrical wiring assembly (20) further includes a first switch (see figure 3 or column 3 lines 48-61 and column 5 lines 39-52).

Regarding claim 25, King discloses the modular electrical device (see figures 1 and 9) wherein the frame (30) has a second opening (see figure 9), further comprising an interchangeable assembly (see figure 9) configured to be disposed in the second opening (see figures 9 or column 5 line 48-52).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 6-10, 15-18, 20, 21, 23, 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (US 6,309,248).

Regarding claim 3, King discloses the claimed invention except for at least one of said first switch and said second switch being a single pole switch. It would have been an obvious matter of design choice to make at least one of said first switch and said second switch as a single pole switch, since applicant has not disclosed that a single pole switch solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well if designed with a single pole switch. Furthermore, King discloses that the electrical wiring assembly (12) can be any type of electrical wiring assembly, such as a single pole switch (column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 or column 5 lines 39-52).

Regarding claim 4, King discloses the claimed invention except for at least one of said first switch and said second switch being a three-way switch. It would have been an obvious matter of design choice to make at least one of said first switch and said second switch as a three way switch, since applicant has not disclosed that a three way switch solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well if designed with a three-way switch. Furthermore, King discloses that the electrical wiring assembly (12) can be any type of electrical wiring assembly, such as a three-way switch (column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 or column 5 lines 39-52).

Regarding claim 6, King discloses the claimed invention except for at least one of said first switch, said second switch and said third switch being a single pole switch. It would have been an obvious matter of design choice to make at

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least one of said first switch, said second switch and said third switch as a single pole switch, since applicant has not disclosed that a single pole switch solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well if designed with a single pole switch. Furthermore, King discloses that the electrical wiring assembly (12) can be any type of electrical wiring assembly, such as a single pole switch (column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 or column 5 lines 39-52).

Regarding claim 7, King discloses the claimed invention except for at least one of said first switch, said second switch and said third switch being a three-way switch. It would have been an obvious matter of design choice to make at least one of said first switch, said second switch and said third switch as a three way switch, since applicant has not disclosed that a three way switch solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well if designed with a three way switch. Furthermore, King discloses that the electrical wiring assembly (12) can be any type of electrical wiring assembly, such as a three-way switch (column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 or column 5 lines 39-52).

Regarding claim 8, King discloses the claimed invention except for said electrical wiring device further including a fourth switch. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the modular electrical wiring device wherein said electrical wiring further includes a fourth switch, since it has been held that mere duplication of the

essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 3 USPQ 8.

Regarding claim 9, King discloses the claimed invention except for at least one of said first switch, said second switch, said third switch and said fourth switch being a single pole switch. It would have been an obvious matter of design choice to make at least one of said first switch, said second switch, said third switch and said fourth switch as a single pole switch, since applicant has not disclosed that a single pole switch solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well if designed with a single pole switch. Furthermore, King discloses that the electrical wiring assembly (12) can be any type of electrical wiring assembly, such as a single pole switch (column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 or column 5 lines 39-52).

Regarding claim 10, King discloses the claimed invention except for at least one of said first switch, said second switch, said third switch and said fourth switch being a three-way switch. It would have been an obvious matter of design choice to make at least one of said first switch, said second switch, said third switch and said fourth switch as a three way switch, since applicant has not disclosed that a three way switch solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well if designed with a three way switch. Furthermore, King discloses that the electrical wiring assembly (12) can be any type of electrical wiring assembly, such as a



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three-way switch (column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 or column 5 lines 39-52).

Regarding claim 15, King discloses the claimed invention except for the first switch being a single pole switch. It would have been an obvious matter of design choice to make the first switch as a single pole switch, since applicant has not disclosed that a single pole switch solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well if designed with a single pole switch. Furthermore, King discloses that the electrical wiring assembly (12) can be any type of electrical wiring assembly, such as a single pole switch (column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 or column 5 lines 39-52).

Regarding claim 16, King discloses the claimed invention except for the first switch being a three-way switch. It would have been an obvious matter of design choice to make the first switch as a three-way switch, since applicant has not disclosed that a three-way switch solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well if designed with a three-way switch. Furthermore, King discloses that the electrical wiring assembly (12) can be any type of electrical wiring assembly, such as a three-way switch (column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 or column 5 lines 39-52).

Regarding claim 17, King discloses the claimed invention except for the electrical wiring device including a hallway light. It would have been an obvious matter of design choice to make the electrical wiring device including a hallway

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light, since applicant has not disclosed that a hallway light solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well if designed with an electrical wiring device including a hallway light. Furthermore, King discloses that the electrical wiring assembly (12) can be any type of electrical wiring assembly, such as a hallway light (column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 or column 5 lines 39-52).

Regarding claim 18, King discloses the claimed invention except for the electrical wiring device including a hallway light. It would have been an obvious matter of design choice to make the electrical wiring device including a hallway light, since applicant has not disclosed that a hallway light solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well if designed with an electrical wiring device including a hallway light. Furthermore, King discloses that the electrical wiring assembly (12) can be any type of electrical wiring assembly, such as a hallway light (column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 or column 5 lines 39-52).

Regarding claim 20, King discloses the claimed invention except for the electrical wiring device including a lamp assembly. It would have been an obvious matter of design choice to make the electrical wiring device including a lamp assembly, since applicant has not disclosed a lamp assembly solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well if designed with the electrical wiring device including a lamp assembly. Furthermore, King discloses that the electrical wiring assembly

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(12) can be any type of electrical wiring assembly, such a lamp assembly (column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 or column 5 lines 39-52).

Regarding claim 21, the modified King discloses the modular electrical device (see figures 1 and 9), wherein the lamp assembly (12 or column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 and column 5 lines 39-52, such as a nightlight) can include a remote use indicator (well known in the art).

Regarding claim 23, the modified King discloses the modular electrical device (see figures 1 and 9), wherein the lamp assembly (12 or column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 and columns 5 lines 39-52, such as a nightlight) can include a locator for indicating the location of the modular electrical device (well known in the art).

Regarding claim 24, the modified King discloses the modular electrical device (see figures 1, 2 and 4), wherein the lamp assembly (12, or column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 and column 5 lines 39-52, such as a nightlight) can indicate the coupling of electrical power to the modular electrical device (well known in the art).

Regarding claim 27, King discloses the claimed invention except for the interchangeable assembly being a lamp assembly. It would have been an obvious matter of design choice to make the interchangeable assembly as a lamp assembly, since applicant has not disclosed that making a lamp assembly solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well if designed with the interchangeable

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assembly being a lamp assembly. Furthermore, King discloses that the electrical wiring assembly (12) can be any type of electrical wiring assembly, such a lamp assembly (column 1 lines 10-17, column 2 lines 19-21, column 3 lines 48-61 or column 5 lines 39-52).

***Allowable Subject Matter***

5. Claims 19, 22 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reason for the indication of the allowability of claims 19, 22 and 26 are

Regarding claim 19, the prior art does not teach or fairly suggest in combination with the other limitation a modular electrical device wherein the frame has a second opening further comprising at least one blank, the blank being configured to be disposed in the second opening.

Regarding claim 22, the prior art does not teach or fairly suggest in combination with the other limitation a modular electrical device wherein the frame includes a placard holder.

Regarding claim 26, the prior art does not teach or fairly suggest in combination with the other limitation a modular electrical device wherein the interchangeable assembly is a blank.

These limitations are found in claims 19, 22 and 26, and are neither disclosed nor taught by the prior art of record, alone or in combination.

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***Response to Arguments***

6. Applicant's arguments with respect to claims 1-18, 20, 21, 23-25 and 27 have been considered but are moot in view of the new ground(s) of rejection.

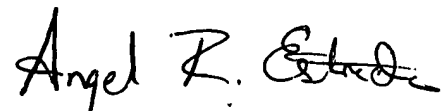
***Conclusion***

7. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

October 15, 2004



Angel R. Estrada  
Patent Examiner  
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